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EXAMINER	
TRAORE, FATOUMATA	

ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No.	Applicant(s)	
	10/808,273	NODA ET AL.	
	Examiner	Art Unit	
	Fatoumata Traore	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/12/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response of the original filing of March 25th, 2004. Claims 1-22 are pending and have been considered below.

Specification

2. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. LIA, PMA, etc.) throughout the specification without first including a description in plain text, as required.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is drawn to a computer program per se. A computer program is not a series of steps or acts and this is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program by itself does not fall within any of the four categories of invention. Therefore, Claim 1 is not statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 11, 19, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tsujii et al** (US 7027717).

Claims 1, 11, 19, 20: **Tsujii et al** discloses a method, a system, a computer program, a computer readable recording medium for authenticating a recording medium

comprising the steps of:

i. Acquiring, from the recording medium, unique data that is recorded on an information track on the recording medium in accordance with a predetermined (first file format and second file format) rule (in the case of at least an external reference file, in addition to the reference file information, medium identification information of a record medium or information of which medium identification information has been converted is recorded to a reference information storing portion. Thus, with medium identification information of an external-referenced type file, a medium can be checked) (column 3 line 1 to column 5 line 34); and

ii. Authenticating the recording medium based on the unique data acquired in the data acquisition step (according to the present invention, a file is properly referenced with the disc ID. In addition, the disc ID is often

used to assure that the disc is a regal disc for copyright protection. In other words, when the optical disc 20 is inserted into a recorder, an authenticating process is performed with the disc ID)(column 8, lines 39-58).

Claim 5: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, and further discloses that the unique data comprises information for identifying the recording method (column 8, lines 39-58).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-4, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsujii et al** (US 7027717) in view of **Bounsall et al** (US 6073189).

Claim 2: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose that the predetermined rule is based on a plurality of types of recording methods. However, **Bounsall et al** discloses a method for incremental recording, which further discloses that the predetermined rule is based on a plurality of types of recording methods (column 1, lines 20-65). Therefore, it would have been obvious to one having ordinary

skills in the art at the time the invention was made to include a plurality of recording type. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by **Bounsall et al**.

Claim 3: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 2 above, but does not explicitly disclose that the plurality of types of recording methods comprises an uninterrupted recording method and an incremental recording method. However, **Bounsall et al** discloses a method for incremental recording, which further discloses that the plurality of types of recording methods comprises an uninterrupted (recording a track at once or TAO) recording method and an incremental recording method (packet recording) (column 1, lines 30-35). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify the type of recording medium. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by **Bounsall et al**.

Claim 4: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 3 above, but does not explicitly disclose that the uninterrupted

recording method is a track at once recording method and the incremental recording method is a packet write recording method However, **Bounsall et al** discloses a method for incremental recording, which further discloses that the uninterrupted recording method is a track at once recording method (TAO), and the incremental recording method is a packet write recording method (PR)) (column 1, lines 30-35). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify the uninterrupted recording as a track at one. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by **Bounsall et al**.

Claim 9: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose that the unique data comprises data that is recorded in multiple sessions. However, **Bounsall et al** discloses a method for incremental recording, which further discloses that the unique data comprises data that is recorded in multiple sessions (column 1, lines 37-45). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to record data in multiple session. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility

hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by **Bounsall et al**.

Claim 10: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose the unique data comprises data that is recorded in a variable packet. However, **Bounsall et al** discloses a method for incremental recording, which further discloses that the unique data comprises data that is recorded in a variable packet (column 1, lines 31-36). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to record data in variable packet. One would have been motivated to do so in order to efficiently use the available storage capacity.

8. Claims 6-8, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsujii et al** (US 7027717) in view of **Kawashima** (US 6917574).

Claim 6: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose that the unique data comprises at least one of data in a track descriptor unit and data in a sub-code control. However, **Kawashima** discloses a data recording and reproducing method for linking data, which further discloses that the unique data comprises at least one of data in a track descriptor (an area having an index of 00 will have

Track Descriptor (TD) information) (column 7, lines 13-26) and data in a sub-code control (column 8, lines 30-55; Fig. 5; and Fig. 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a track descriptor and a sub-code control. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 7: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose that the unique data comprises data within a runout. However, **Kawashima** discloses a data recording and reproducing method for linking data, which further discloses that the unique data comprises data within a runout(plurality or run-out block) (column 7, lines 33-67). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a runout block. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 8: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose that the unique data comprises data within a predetermined packet. However, **Kawashima** discloses a data recording and reproducing method for linking data, which further discloses that the unique data comprises data within a predetermined packet (column 15,

lines 43-63; column 18, lines 27-36). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include the unique data in a predetermined packed. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 12: **Tsujii et al** discloses a method for authenticating a recording medium as in claim 11 above, but does not explicitly disclose that the recording medium has, in a first session, a second track as a dummy track not present in the IS0 9660 file system and that the track comprises an LIA (lead in area) and a PMA (program memory area). However, **Kawashima** discloses a data recording and reproducing method for linking data, which further discloses that the recording medium has, in a first session, a second track (plurality of session), the track comprises an LIA (lead in area) and a PMA (program memory area) (column 16, line 44 to column 7 line 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a plurality of session, a LIA and PMA. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 13: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 12 above, an **Kawashima** further discloses that

the unique data comprises at least one of data in a track descriptor (an area having an index of 00 will have Track Descriptor (TD) information) (column 7, lines 13-26) and data in a sub-code control (column 8, lines 30-55; Fig. 5; and Fig. 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a track descriptor and a sub-code control. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 14: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 13 above, and **Kawashima** further discloses that the track information identifies a recording method of the track (fixed-length packet method or variable packet method) (column 7, lines 13-26) and data in a sub-code control (column 8, lines 30-55). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify recording method based on the track information. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by **Kawashima**.

Claim 15: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 13 above, and **Kawashima** further discloses that the track information identifies a recording position of the track (column 3, lines 1-

22). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify recording position based on the track information. One would have been motivated to do so in order to properly read data even if the number of data linking block is set small (column 3, lines 1-22) as taught by **Kawashima**.

Claim 16: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 12 above, and **Kawashima** further discloses that the track information identifies a recording position of the track (column 3, lines 1-22). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify recording position based on the track information. One would have been motivated to do so in order to properly read data even if the number of data linking block is set small (column 3, lines 1-22) as taught by **Kawashima**.

Claim 17: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 12 above, and **Kawashima** further discloses that the information track comprises a PMA and a second track that is additionally recorded (column 16, line 44 to column 7 line 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a plurality of session, a LIA and PMA. One would have been motivated to do so in order to adopt a convolution type cross coding method

(column 11, lines 39-60) as taught by **Kawashima**.

Claim 18: **Tsujii et al** and **Kawashima** disclose a method for authenticating a recording medium as in claim 17 above, and **Tsujii et al** further discloses that the unique data of the second track that is additionally recorded comprises a disk ID (column 8, lines 39-58).

9. Claims 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsujii et al** (US 7027717) in view of **Inokuchi et al** (US 5745459).

Claims 21, 22: **Tsujii et al** discloses a computer readable recording medium and an optical disk for authenticating a recording medium

comprising the steps of:

i. Acquiring, from the recording medium, unique data that is recorded on an information track on the recording medium in accordance with a predetermined (first file format and second file format) rule (in the case of at least an external reference file, in addition to the reference file information, medium identification information of a record medium or information of which medium identification information has been converted is recorded to a reference information storing portion. Thus, with medium identification information of an external-referenced type file, a medium can be checked) (column 3 line 1 to column 5 line 34); and

ii. Authenticating the recording medium based on the unique data acquired in the data acquisition step (according to the present invention, a file is properly referenced with the disc ID. In addition, the disc ID is often used to assure that the disc is a regal disc for copyright protection. In other words, when the optical disc 20 is inserted into a recorder, an authenticating process is performed with the disc ID)(column 8, lines 39-58).

But does not explicitly discloses a memory storing a program and a processor configured to execute the program stored in the memory. However, **Inokuchi et al** disclose a computer readable medium and optical disk for managing recording, which further disclose;

a memory storing a program (column 4, lines 45-55; Fig 2); and

a processor configured to execute the program stored in the memory(column 4, lines 45-55; Fig 2).

The motivation of doing so is to easily and securely access the data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT

Tuesday, September 4, 2007

Nassar G. Moazzami

Supervisory Patent Examiner